



3/13 R.M.
GAM-3634

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Group Art Unit 3634 : PATENT
Examiner Blair M. Johnson :
In re application of : PLEATED AND CELLULAR
REN JUDKINS : MATERIALS AND METHOD
Serial No. 09/703,372 : FOR THE MANUFACTURE
Filed October 31, 2000 : THEREOF USING A SPLITTER

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on

**REQUEST FOR RECONSIDERATION
AND WITHDRAWAL OF SUSPENSION**

March 6, 2001
Blair M. Johnson
[Signature]

Pittsburgh, Pennsylvania 15219

March 6, 2001

Honorable Commissioner of Patents
Washington, D.C. 20231

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Sir:

This is in response to the Office Action dated February 26, 2001, in which the Examiner suspended prosecution pending the outcome of Interference No. 104,329. For the reasons stated below, applicant requests that the suspension be withdrawn and that the Examiner examine the application on the merits.

Interference No. 104,329 involves a count for a cellular pleated shade member containing cells in which a strip of shade material is folded lengthwise to form an upper cell wall and a lower cell wall extending from a fold. The count further requires that the upper cell and the lower cell each have a free edge and a folded edge. There is a related interference No. 104,328 also directed to a cellular shade member having a plurality of cells. The count in that

interference also specifies that a strip of shade material is folded lengthwise to form an upper cell wall and a lower cell wall extending from the fold, each upper and lower cell wall having a free edge and a folded edge. A copy of the counts in Interference Nos. 104,328 and 104,329 is attached. Each of these interferences has a single count. The testimony period is now closed in both interferences and a final hearing is set for April 23, 2001.

The claims in the pending application are all directed to a multi-cellular shade having a series of front cells and back cells. Claim 12 requires that the inner wall of at least one front cell also be the inner wall of at least one back cell. Consequently, the multi-cellular pleated shade member cannot have a cell which contains a folded edge and a free edge as required by the counts in Interference Nos. 104,328 and 104,329.

Section 2315.01 of the MPEP states that where one of several applications of an inventor or assignee which contain overlapping claims gets into an interference, the prosecution of all cases not in the interference should be carried as far as possible, by treating as prior art the counts of the interference for the purpose of making provisional rejections. The section also states that where the subject of the interference is a separate divisional invention, prosecution of the second invention may be had during the pendency of the interference.

MPEP Section 709.01 states that an if applicant wishes to prosecute the outside application and presents good reasons in support, prosecution should be continued.

Applicant submits that the claims of the present application are directed to a multi-cellular product which does not contain any cells of the type defined by the counts in the '328 and '329 interferences, and that the counts neither teach nor suggest the multi-cellular shade member of the claims pending in this application. Furthermore, the counts in those interferences do not dominate the claims in the pending application. Therefore, the claims are patentable over the count in each of the '328 and '329 interferences.

The term of any patent which issues from the present application will run from the filing date of the parent application. Consequently, suspension of the prosecution will have the effect of shortening applicant's patent term.

Applicant, therefore, submits that he has shown good reasons in support of continued prosecution of this application. Withdrawal of the suspension notice and issuance of an Office Action on the merits are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn J. Alstadt", written in a cursive style.

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Count I in Interference No. 104,328

A cellular pleated shade member having a plurality of cells, at least one of the cells comprising:

a strip of shade material folded lengthwise to form an upper cell wall and a lower cell wall extending from a fold, each upper and lower cell wall having a free edge and a folded edge merging with the adjacent wall of the strip at said fold;

said upper cell wall and lower cell wall of said strip connected adjacent their respective free edges and forming a fin at said connection;

wherein said upper cell wall is attached to a lower cell wall of a first adjacent cell at an upper interconnection zone, said upper interconnection zone being located on said upper cell wall between said fin and said fold; and

wherein said lower cell wall is attached to an upper cell wall of a second adjacent cell at a lower interconnection zone, said lower interconnection zone being located on said lower cell wall between said fin and said fold.

Count I in Interference No. 104,329

A cellular pleated shade member having a plurality of interconnected cells, at least one of the cells comprising:

a strip of shade material folded lengthwise to form an upper cell wall and a lower cell wall extending from a fold, said upper and lower cell wall having a free edge and a folded edge;

said upper cell wall and lower cell wall of said strip interconnected adjacent their respective free edges; and

said upper cell wall and said lower cell wall each having at least one attachment zone on each side of a longitudinal center line of each said cell wall for connecting said cell to an adjacent cell.